APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,936	06/29/2001	Krzysztof S. Perycz	42390P11652	9376

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EXAMINER
TRUONG, LECHI

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/895,936	KRZYSZTOF S. PERYCZ
	Examiner	Art Unit
	LeChi Truong	2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 June 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All b)☐ Some * c)☐ None of:
         1.☐ Certified copies of the priority documents have been received.
         2.☐ Certified copies of the priority documents have been received in Application No. _____.
         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.
     a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>09/20/2001</u>.

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

DETAILED ACTION

1.   Claims 1- 30 are presented for the examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims **1, 2, 4- 8, 24-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Aoshima et al (5,210,859).

3.   **As to claim 1**, Aoshima teaches the invention substantially as claimed including: a inter-

module diagram tree (a module relation diagram is formed which indicates a structure of an

overall program and a hierarchical tree, col 2, ln 22-31/col 8, ln 10-45/col 14,l n 52-56), a

module function (module, col 2, ln 22-31/col 8, ln 10-45/col 14,l n 52-56), modifying a module

function in accordance with the inter-module diagram tree (col 12, ln 40-50, col 7, ln 62-66/ col

2, ln 37-44).

4.   Aoshima do not explicit teach use the word that the diagram tree is a dependency tree.

However, Aoshima et al disclosed that the structure of the module relation diagram consists of

the calling relationship execution history and dependent relationship between the modules

(abstraction line 5-9/ col 14, ln 52-56) Young teaches dependency (dependencies between them,

col 3, ln 45-48).

5.   It would have been obvious to one of the ordinary skill in the art at the time the invention

was made that Aoshima et al's system in fact provide the tree as claimed because it provide

tracking and enforcing the ordering of data processing by the processing modules and Young

because Young' dependencies would provide tracking and enforcing the ordering of data

processing by the processing modules.

6.   **As to claim 2**, Aoshima teaches a configuration parameter (a, b and c are recognizes as

arguments (parameters) of function Get_ANS which is associated with the relation tree, COL 5,L

N 65-68/col 6, ln 1-10/ col 2, ln 22-31/col 8, ln 10-45/col 14,l n 52-56), an inter-module X (the

module relation diagram, col 2, ln 22-31/col 8, ln 10-45/col 14,l n 52-56).

7.   **As to claim 4,** Aoshima teaches associating a module command with an inter-module

dependency (col 8, ln 17-25).

8.   **As to claim 5**, Aoshima teaches a phase for a command of a module (function name, col

6,l n 60-65).

9.   **As to claim 6**, Aoshima teaches command script (col 5, ln 63-67).

10.   **As to claim 7**, Aoshima teaches associating a command of one module with a command

of another module based upon an iter-module dependency (col 12, ln 40-50), col 7, ln 62-66/ col

2, ln 37-44).

11.   **As to claim 8**, Asohima teaches a phase identification (function name, col 6, ln 56-68).

12.   **As to claims 24-27,** they are apparatus claims of claims 1, 4, 6, 7; therefore, they are

rejected for the same reasons as claims 1, 4, 6, 7 above.

13.   Claims **3, 9-11, 15, 16, 28, 30** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Aoshima et al (5,210,859) in view of Admitted Prior Art (APA).

14.   As to claim 3, Aoshima do not teach storing a default value for a configuration

parameter. However, APA teaches storing a default value for a configuration parameter (the

parameter may be preserved in some form of non-volatile storage, page 1, ln 18-21).

15.   It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Aoshima and APA because APA's the parameter may be

preserved in some form of non-volatile storage would use to initialize modules during device

start-up.

16.   As to claim 9, 10, 11, APA teaches initializing a module function/ reconfiguring a

module function/ shutting down a module function (page 1, ln 25-27).

 17.   As to claim 15, 16, Aohima teaches an inter-module dependency tree (a module relation

diagram is formed which indicates a structure of an overall program and a hierarchical tree, col

2, ln 22-31/col 8, ln 10-45/col 14,l n 52-56), circuitry (the tree table, col 6, ln 56-60).

18.   As to claims 28-30, they are apparatus claims of claims 9, 10, 11; therefore, they are

rejected for the same reasons as claims 9, 10, 11 above.

19.   Claims 13, 14, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Aoshima et al (5,210,859) in view of Admitted Prior Art (APA) and further in view of Young

(US. Patent 6,560,606 B1).

20.   As to claim 13, Aohima and APA do not explicit teach a current configuration database.

However, Young teaches a current configuration database (the configuration storage 508, col 13,

ln 15-22/ Fig. 5).

21.   It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Aohima, APA and Young because Young's the

configuration storage would provide tracking and enforcing the ordering of data processing by

the processing modules.

22.   **As to claim 14,** Young teaches a permanent configuration database (stage configuration

files 418, col 9, ln 51-63/ persistent memory col 10, ln 52-56), a command line interface

(operator instruction, col 10, ln 52-56).

23.   **As to claim 17,** Young teaches a configuration parameter change request (col 10, ln 35-

42).

24.   **As to claim 18,** Young teaches modifying a module function in accordance with a

configuration parameter change request (col 10, ln 45-51).

Claim Rejections - 35 USC § 102

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

25.   **Claims 12, 19-23** are rejected under 35 U.S.C. 102(b) as being anticipated   by Young

(US. 6,560,606 b1).

26.   **As to claim 12**, Young teaches the invention as claimed including: a system controller

(pipeline controller 210, Fig 1A, 2, col 9, ln 51-60/Repository service 160, Fig. 1a), a

configuguration manger (configuration manager 150, Fig. 1).

27.   **As to claim 19**, it is an apparatus claim of claim 12; therefore, it is rejected for the same

reason as claim 12 above. Further, Young teaches a network component (telephone service

servser, col 4, ln 65-67), a station (system processing 100, Fig. 1A, col 4, ln 46-47).

28.   **As to claim 20,** Young teaches an inter-module dependency tree (the dependency table

506, Fig 5).

29.   **As to claim 21,** Young teaches a permanent configuration database

(Stage configuration files 418, Fig. 4/col 9, ln 51-63; persistent memory col 10, ln 52-56), a

command line interface (operator instruction, col 10, ln 52-56).

30.   **As to claim 22,** Young teaches a server (telephone service servser, col 4, ln 65-67/ Fig.

1).

31.   **As to claim 23**, Young teaches a management workstation (configuration manage 150,

Fig. 1 A).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The

examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR of Public PAIP. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIP

system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

June 14, 2004

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